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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,776	10/12/2005	Jakob Gerrit Nijboer	NL 030432	2130
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EXAMINER				
CHU, KIM KWOK				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,776

**Applicant(s)**

NIJBOER ET AL.

**Examiner**

Kim-Kwok CHU

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 10/21/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/21/2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2627

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

2. Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shin (U.S. Patent 6,529,458).

3. Shin teaches a data recording device having all of the means as recited in claims 1-3. For example, Shin teaches the following:

Regarding Claim 1, a device (Fig. 3) for recording data and data structures on a write-once storage medium (Fig. 5; column 1, lines 9-11; optical medium includes CD-ROM, DVD-ROM etc.), the data structures comprising space bit map (file system, column 5, lines 10-12) and defect management structures (Fig. 5; DMA areas), the device comprising writing means (Fig. 3; pickup) for recording the data and the data structures (Fig. 5); controlling means (Fig. 3; data processor and microcomputer) for generating the data structures and controlling the writing means (Fig. 5; column 3, lines 35-39);

Art Unit: 2627

wherein the controlling means are adapted control the writing means to record (generating) the data structures (such as file system; positional information of the defective areas and DMAs) on the write-once storage medium at a predefined temporary location (Fig. 5; DMA, reserve areas) in a reserved area (lead-in) on the write-once storage medium and to finalize (Fig. 9; step 910) the write-once storage medium by recording the data structures (Fig. 9; positional information; step 905) on the write-once storage medium at a predefined fixed location (data area) on the write-once storage medium, wherein the predefined fixed location is a location on the write-once storage medium that corresponds to a location that is predefined for a rewritable storage medium (such as UDF file system of a DVD-RAM)), wherein the predefined fixed location (in data area; step 909) is a different location than the predefined temporary location (lead-in area).

Regarding to Claim 2, the controlling means (Fig. 3) are adapted to control the writing means to finalize the write-once storage medium by recording dummy data on the write-once storage medium in all free parts of the reserved area (defective management operation).

Regarding to Claim 3, the controlling means are adapted to

Art Unit: 2627

read the data structures from the predefined temporary location and to control the writing means to record the data structures on the write-once storage medium at the predefined fixed location (Fig. 6).

4. Method claims 4-6 are drawn to the method of using the corresponding apparatus claimed in claims 1-3. Therefore method claims 4-6 correspond to apparatus claims 1-3 and are rejected for the same reason of anticipation as used above.

10. Claim 7 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

5. Claims 8-10 have limitations similar to those treated in the above rejection, and are met by the references as discussed above. Claim 8 however also recites the following limitation "a computer program product" which is also taught in the cited reference of Shin as illustrated in Figs. 6 and 9 where the flow operation of recording and reading data is a computer program product which drives the data processor and microcomputer as illustrated in Fig. 3.

Art Unit: 2627

***Response to Remarks***

6. Applicant's Remarks filed on October 21, 2009 have been fully considered but they are not persuasive.

With respect to the type of storage medium, Applicant points out that the prior art (U.S. Patent 6,529,458) of Shin's storage medium is not a write-once medium based on Shin's abstract (page 9 of the Remarks, last two lines). Accordingly, although the prior art of Shin discloses that a rewritable optical medium is used (column 1, lines 7 and 8), Shin, however, further teaches that his invention is used on an optical recording medium (column 1, lines 10 and 11). In such case, Shin defines that an optical recording medium includes CD-R, CD-ROM, DVD-ROM and DVD-R etc. (column 1, lines 13-21). Therefore, Shin's invention is not limited to a rewritable storage medium but a write-once storage medium (CD-ROM, DVD-R etc.) as claimed in Applicant's Claim 1.

With respect to the type of data written to the storage medium, Applicant argues that, instead of one type of data structures of the storage medium, the prior art of Shin recording different data such as positional information and ICB on the disk (page 13 of the Remarks, lines 1). Accordingly, the prior art of Shin records defect management data and its related data such as positional information and ICB etc. Such data are

Art Unit: 2627

considered as the data structures of Shin's write-once storage medium unless Applicant specifies the type of data structures of the claimed write-once storage medium.

With respect to the finalizing a storage medium, Applicant states that Shin's storage medium is not a write-once type medium and therefore it does not need a finalization process. Accordingly, Shin's invention is not limited to a rewritable storage medium, and in fact, all Shin's embodiments do not mention a rewritable type of storage medium. Instead, the prior art of Shin teaches an optical recording medium (column 1, lines 10 and 11) which includes a write-once storage medium and therefore the defect management operation includes a finalizing disk operation such as UDF (column 6, lines 3 and 4).

**7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

**A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.**

Art Unit: 2627

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627  
January 4, 2010  
(571) 272-7585  
/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627